HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.20000 of 2006

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Between:

Ramakrishna Bhakata Samajam
(Regd.No.16 of 1946) M.G Road,
Bapatla, rep. by its President Ms Metaji
Tyagisananda Puri, D/o Neelakantha Sastry,
Aged 74 years, R/o.11-1-13, MG Road,
Bapatla, Gundut Dist

……Petitioner

And

Bapatla Municipality,
Rep. by its Commissioner,
Bapatla,
Guntur District and another

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri K.S.Murthy

Counsel for Respondent No.1 : Shri S.Nageswara Reddy

Counsel for Respondent No.2 : Shri S.V.Ramana
for
Shri O.Manohar
Reddy

October 27, 2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed for issue of a direction to Bapatla Municipality to take action in the matter of illegal construction being raised by respondent No.2 in area covered by H.No.495/4, Bapatla.

Yesterday, Shri S.Nageswara Reddy, learned counsel for Bapatla Municipality (respondent No.1) made an oral statement that he has been informed by the officers of the municipality regarding the action initiated to stop the construction being raised by respondent No.2.

Today, Shri S.Nageswara Reddy produced copies of notices dated 23-09-2006 and 03-10-2006 issued by Commissioner, Bapatla Municipality under the Andhra Pradesh Municipalities Act, 1965 to respondent No.2 in the matter of illegal construction being raised by her.

We have gone through the notices and are satisfied with the action initiated by respondent No.1 for stopping the alleged illegal construction being raised by respondent No.2.

Hence, the writ petition is disposed of as infructuous with liberty to the petitioner to seek revival of the same, if final action is not taken by the municipal authorities within a reasonable time.

Needless to say that this order shall not preclude respondent No.2 from showing to the concerned authority of the municipality that

the construction being raised by her is not in violation of the sanctioned plan and that she would make further construction strictly in accordance with the sanctioned plan.

While disposing of the writ petition in the manner indicated above and by taking cognizance of a large number of similar petitions which are filed before this Court with the complaint that despite representations and legal notices, the authorities of the municipality do not take action to stop illegal and unauthorized constructions, we deem it proper to issue the following general directions:

1) The Commissioners and/or other concerned authorities of the Municipal Corporations and Municipalities in the State of Andhra Pradesh should within a period of 15 days from the date of receipt of representation made or notice sent by any person with the complaint regarding illegal/unauthorized construction, invariably give a written response to the person sending representation or notice.

2) The concerned authorities of the Municipal Corporations or Municipalities shall take necessary measures/steps to ensure that no one is allowed to raise construction without obtaining the building plan sanctioned from the competent authority and no construction is made in violation of the sanctioned plan or master/zonal plan/lay out.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

27-10-2006
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Note:
1. The Court Officer is directed to give an attested copy of this order to the learned Advocate General, who is present in the Court, so that the same can be communicated to the Principal Secretary, Municipal Administration Department and Director, Municipal Administration who can in turn send copies thereof to the Commissioners of all Municipal Corporations and Municipalities.

2. Registrar (Judicial) should send copies of this order to the Commissioners of all Municipal Corporations and Municipalities in the State.

B/O